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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	) Examiner: Suzette J. Gherbi
John D. Corbitt, Jr. et al.	) Group Art Unit: 3738
For: BIOSABSORBABLE BREAST IMPLANT	) U.S. Pat. No.: 6,638,308
Serial No.: 10/627,718	) Issued: October 28, 2003
Filed: July 28, 2003	) Customer No.: 061808
Atty. Docket No.: SENOP-08701	)

CERTIFICATE OF TRANSMISSION PURSUANT TO 37 CFR §1.8

I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300; Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Examiner Suzette J. Gherbi on February 19, 2010 in San Francisco, CA.

By: 

REQUEST FOR RECONSIDERATION OF DENIAL FOR POWER OF ATTORNEY AND  
REQUEST FOR FILING RECEIPT CORRECTION

Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed is a copy of the Denial of Request for Power of Attorney mailed June 16, 2009 whereby the Patent Office had yet to acknowledge power by assignee to the undersigned by Assignee due to the Certificate pursuant to 37 CFR 3.73(b) yet to be received by the Patent Office in the above-referenced patent. The Statement Under 37 C.F.R. 3.73(b) is enclosed herewith.

Please note that concurrently filed herewith is the Change of Correspondence Address – Patent (form PTO/SB/123) to associate the present patent to Customer Number 061808 and for any correspondence in this patent to be addressed according to Customer Number 061808.

Respectfully submitted,

By: 

Edward J. Lynch  
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Attorney for Patentees

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/627,718	07/28/2003	John D. Corbitt JR.	C3120.0001/P001-A

24998  
DICKSTEIN SHAPIRO LLP  
1825 EYE STREET NW  
Washington, DC 20006-5403

CONFIRMATION NO. 7089



\*OC000000035511581\*

Cc: EDWARD J. LYNCH, PATENT ATTORNEY  
ONE EMBARCADERO CENTER  
SUITE 562  
SAN FRANCISCO, CA 94111

Date Mailed: 06/16/2009

## DENIAL OF REQUEST FOR POWER OF ATTORNEY

The request for Power of Attorney filed 06/09/2009 is acknowledged. However, the request cannot be granted at this time for the reason stated below.

- ☐ The revocation is not signed by the applicant, the assignee of the entire interest, or one particular principal attorney having the authority to revoke.
- ☒ The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.
- ☐ The person signing for the assignee has omitted their empowerment to sign on behalf of the assignee.
- ☐ The inventor(s) is without authority to appoint attorneys since the assignee has intervened as provided by 37 CFR 3.71.
- ☐ The signature(s) of \_\_\_\_\_, a co-inventor in this application, has been omitted. The Power of Attorney will be entered upon receipt of confirmation signed by said co-inventor(s).
- ☐ The person(s) appointed in the Power of Attorney is not registered to practice before the U.S. Patent and Trademark Office.

Questions relating to this Notice should be directed to the Application Assistance Unit.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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PTO/SB/95 (07-09)

Approved for use through 07/31/2012. OMB 0551-0031

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: John D. Corbitt, Jr. and Lori Anthony

Application No./Patent No.: 10/627,718 / 6,638,308

Filed/Issue Date: July 28, 2003 / October 28, 2005

Titled: BIOABSORBABLE BREAST IMPLANT

SENORX, INC., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: John D. Corbitt et al. To: Whitewater Investments, Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 022793, Frame 0591, or for which a copy thereof is attached.

2. From: Whitewater Investments, Inc. To: SenoRx, Inc.

The document was recorded in the United States Patent and Trademark Office at  
Reel 022793, Frame 0260, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Edward J. Lynch, Reg. No. 24,422

Printed or Typed Name

Date

2/19/10  
Attorney for Assignee

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.